

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

VICTOR E. CLARK, JR.

PLAINTIFF

v.

CIVIL ACTION NO. 2:16-CV-121-KS-MTP

**SONG HEALTH & REHAB OF COLUMBIA, LLC
D/B/A SONG HEALTH & REHAB OF
COLUMBIA; COVENANT DOVE, LLC; and
COVENANT DOVE HOLDING COMPANY, LLC**

DEFENDANTS

ORDER

This matter is before the Court on the Motion to Set Aside Judgment [77] filed by Plaintiff Victor E. Clark, Jr. (“Plaintiff”). Parties reached a settlement prior to the Court entering its Order [76] granting Defendants’ Motion for Partial Summary Judgment. As such, Plaintiff is entitled to relief from judgment under Federal Rule of Civil Procedure 60(b)(1). *See Davis v. Magnolia Lady, Inc.*, 178 F.R.D. 473, 474 (N.D. Miss. 1998) (“If the parties' settlement agreement preceded the entry of judgment by the clerk of this court, then the plaintiff is entitled to relief pursuant to Fed.R.Civ.P. 60(b)(1), which permits this court to grant relief from judgment on the grounds of mistake.”). Therefore, the Motion to Set Aside Judgment [77] is hereby **granted**, and the Court’s previous Order [76] is set aside.

SO ORDERED AND ADJUDGED on this the 25th day of August, 2017.

s/Keith Starrett
KEITH STARRETT
UNITED STATES DISTRICT JUDGE